

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EARL MOTSCHENBACHER,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

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**ORDER OF RECUSAL  
REQUEST FOR REASSIGNMENT**

This matter is before the court on the court's own motion pursuant to 28 U.S.C. § 455(a), which states: "Any . . . judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Upon review of the parties and the record in the above-designated case, the undersigned judge shall, and hereby does, recuse himself from the above-designated case pursuant to 28 U.S.C. § 455(a).

SO ORDERED.

DATED this 28<sup>th</sup> day of July, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge